

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Civil Action No. 5:13-CV-195-FL

JOHANNA A. TOWNSEND, Executrix of)
the ESTATE OF GREGORY PAUL)
TOWNSEND, deceased,)

Plaintiff,)

v.)

THE CITY OF FAYETTEVILLE, THE)
CITY OF FAYETTEVILLE POLICE)
DEPARTMENT, OFFICER BOBBY)
CASH, individually and in his official)
capacity as a Police Officer for the City of)
Fayetteville, OFFICER HEATHER)
NAPIERALSKI, individually and in her)
official capacity as a Police Officer for the)
City of Fayetteville, and TOM)
BERGAMINE, in his capacity as former)
Chief of Police for the City of Fayetteville,)

Defendants.)

ORDER APPROVING SETTLEMENT

THIS MATTER is before the Court on a Joint Motion for Judicial Approval of Settlement ("Motion") for an order approving a settlement in this matter and terminating this action in accordance with the terms of the parties' proposed Settlement Agreement and Release.

THE UNDERSIGNED JUDGE, having investigated the matters set forth in the Motion, having familiarized herself with the records and other evidence, and having fully examined the contents of the Settlement Agreement and Release presented to her for consideration, finds:

1. That Plaintiff filed the original Complaint in Cumberland County Superior Court on February 12, 2013, alleging that Defendants were liable for the wrongful death of Gregory Paul Townsend as a result of the use of deadly force by Officer Bobby Cash in an incident which

occurred on November 17, 2011, as set forth more fully in the Complaint. [DE 1].

2. That Defendants removed this action to the United States District Court, Eastern District, on March 20, 2013 [DE 1], and that Defendants timely filed an Answer on March 25, 2013, denying liability and asserting affirmative defenses. [DE 13].

3. That following extensive discovery and an arms-length negotiation, the parties have agreed to settle all claims pursuant to the terms set forth in the Settlement Agreement and Release attached to the Motion, pending this Court's approval.

4. That the parties have been represented by counsel with experience in these sorts of matters, and that counsel agree that the terms of this settlement are fair and reasonable and in accordance with the requirements of applicable law.

5. That the terms of the proposed Settlement Agreement and Release are fair and reasonable, are in accordance with the requirements of applicable law, and are in the best interest of the Estate of Gregory Paul Townsend.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that the Settlement Agreement and Release, the divisions of the proceeds of the settlement, and each and every term and provision thereof, are fair and equitable, and within a reasonable range of amounts that may or may not be owed to the Plaintiff.

IT IS FURTHER ORDERED that the terms of the Settlement Agreement and Release are hereby approved; and

IT IS FURTHER ORDERED that the Motion is granted; and

IT IS FURTHER ORDERED that the above-captioned cause is hereby DISMISSED, with prejudice; and

IT IS FURTHER ORDERED that each party shall bear their own costs.

This the 28th day of February, 2014.


JUDGE LOUISE W. FLANAGAN